

At page 198, line 6, delete "interfer" and insert in its place - - interfere - -.

At page 198, line 10, delete "transcient" and insert in its place - - transient - -.

At page 198, line 16, between "pGRN121" and "using" please insert
- - was constructed - -.

At page 198, line 25, directly following "critical for" please delete "for".

At page 198, line 25, please delete "does not not" and insert in its place - - is not - -.

At page 199, line 3, please insert --pGRN145 ATCC accession number 203448--.

At page 199, please delete all text on lines 15-30.

At page 200, please delete all text.

REMARKS

Following entry of this Amendment, claims 46-81 will be pending.

A. Amendment to the Specification

The amendments to the specification are intended to correct minor and typographical errors. The insertion at page 199 of a reference to "pGRN145 ATCC accession number 203448" is supported at, *e.g.*, page 185, line 12, of the specification (describing pGRN145) and facilitates access of this plasmid construct to scientists following the guidance of the subject patent specification. Entry of these amendments, which are believed to add no new matter, is respectfully requested in order to improve the clarity of the patent issuing from the instant application.

B. Drawings

The subject application was filed with informal drawings, including three drawings in color. Formal drawings (all black-and-white) are submitted herewith.

C. Claim Rejections - 35 U.S.C. §112, Second Paragraph

Claim 82 has been canceled without prejudice.

Claim 59 has been amended to delete the first occurrence of the word "protein."

Claim 71 has been amended to improve clarity. The Examiner has indicated that it is unclear whether the term "non-naturally occurring" refers to non-naturally occurring in the host cell or in any cell. Applicants' amendment makes clear that the hTRT gene is not naturally occurring in a cell of the same type. i.e., a human cell. Applicants respectfully submit that this amendment overcomes the rejection of Claim 71 under §112, second paragraph. However, should the Examiner disagree, the Examiner is respectfully invited to telephone the undersigned and suggest different claim language; alternatively, Applicants will agree to the cancellation of Claim 71 by an Examiner's Amendment. Applicants urge that remaining issues related to this rejection, if any, should not delay the issuance of a Notice of Allowance in the instant case.

D. Double Patenting

Claims 46-82 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 23-28 and 37 of copending application no. 08/854,050. Applicants are willing to cancel claims 26 and 27 of application no. 08/854,050, if such cancellation would result in withdrawal of the double patenting rejection. Applicants thus respectfully request that the Examiner reconsider and withdraw this obviousness-type double patenting rejection in view of Patent Office guidelines. However, to expedite issuance of a Notice of Allowance, a terminal disclaimer in compliance with 37 C.F.R. 1.321© is enclosed, and the Examiner is requested to enter the terminal disclaimer if she should remain of the opinion that such a disclaimer is required, considering the above.

E. Information Disclosure Statement

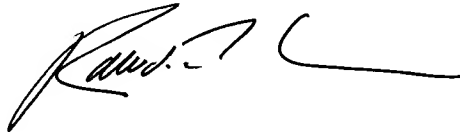
Applicants note with appreciation the Examiner's careful review of a large number of documents cited in the Information Disclosure Statement. In the copy of the Form-1449 received from the Examiner, reference "GI" (Feng et al.) was not initialed to indicate that the reference had been reviewed. Although Applicants believe that this is merely an oversight (because the same reference was initialed by the Examiner in a Form 1449 in corresponding case USSN 08/854,050), Applicants respectfully request that, for completeness of the record, the Form 1449 in the present application also be initialed.

F. Allowable Subject Matter

The Examiner has indicated that claims 46-58, 60-70, and 72-81 are allowable upon submission of a properly executed terminal disclaimer. Claims 59, 71 and 82 were indicated to be allowable upon submission of a properly executed terminal disclaimer and amendment to overcome the rejection under 35 U.S.C. §112, second paragraph. Claim 59 has been amended as suggested by the Examiner. Claim 71 has been amended to address the Examiner's concerns regarding alleged indefiniteness. Claim 82 has been canceled without prejudice. A terminal disclaimer accompanies this amendment which applicants request be entered to expedite issuance, should the Examiner be unpersuaded by the comments in Section D, *supra*. Thus, Applicants believe that claims 46-81 are in condition for allowance. Issuance of a Notice of Allowance is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (650) 326-2400, Ext. 5270.

Respectfully submitted,



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